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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**VALERIE MARGARET MARINO,
individually and on behalf of others
similarly situated.**

Plaintiff,

vs.

PNC BANK, N.A.

Defendant.

Case No. 3:17-cv-00179-MMD-VPC

**STIPULATION AND ORDER TO
EXTEND TIME FOR PNC BANK TO
RESPOND TO PLAINTIFF'S
AMENDED COMPLAINT**

19 Plaintiff Valerie Margaret Marino (“Plaintiff” or “Marino”) and Defendant PNC
20 Bank, NA (“PNC”) (together, the “Parties”) stipulate and agree to extend the time for
21 PNC to respond to Plaintiff’s amended complaint until the later of (i) August 3, 2018,
22 or (ii) 10 calendar days after the Ninth Circuit issues its mandate in the pending
23 appeal of *Vanamann v. NationStar Mortgage, LLC*, Appeal No. 17-15737
24 (“Vanamann”). PNC’s response is currently due July 13, 2018, and this is the Parties’
25 first request to extend this deadline. As set forth below, good cause supports this
26 extension:

I. The Court Stayed This Case Pending the Ninth Circuit's Ruling in *Vanaman*

28 1. On January 30, 2018, the Court granted the Parties' request to stay this

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1 case pending the Ninth Circuit's ruling in *Vanamann*. See Minute Order, ECF No.
2 39.

3 2. As explained in the Parties' joint motion (ECF No. 36), the *Vanamann*
4 appeal raises legal issues that would significantly affect Plaintiff's claims in this case.
5 Moreover, the appellant in *Vanamann* is represented by the undersigned Plaintiff's
6 counsel.

7 3. On May 18, 2018, the Ninth Circuit issued its unpublished ruling
8 affirming summary judgment in favor of the defendant in *Vanamann*.

9 4. Pursuant to the Court's minute order (see ECF No. 42), Plaintiff filed an
10 amended complaint on June 29, 2018. See Am. Compl., ECF No. 44. The current
11 deadline for PNC to respond to Plaintiff's amended complaint is July 13, 2018.

12 **II. The *Vanamann* Appeal Remains Subject to Change by the Ninth Circuit**

13 5. Also on June 29, 2018, Ms. Vanamann (represented by Plaintiff's counsel
14 here) filed a petition for rehearing. See *Vanamann*, Appeal No. 17-15737. This
15 petition requests that the Ninth Circuit reconsider its prior ruling.

16 6. The Ninth Circuit has yet to rule on Ms. Vanamann's petition for
17 rehearing or issue a mandate in the *Vanamann* appeal.

18 7. The *Vanamann* appeal thus remains subject to reconsideration by the
19 Ninth Circuit.

20 **III. The Parties Agree to Extend Time for PNC's Response to Plaintiff's Complaint**

21 8. To ensure efficient use of the Parties' and the Court's resources, the
22 Parties seek to wait until the Ninth Circuit's *Vanamann* ruling is final. As noted
23 above, the *Vanamann* ruling may affect this case given the similarity between
24 Plaintiff's claim for a willful FCRA violation and the willful FCRA violation at issue
25 in *Vanamann*.

26 ...

27 ...

28

1 9. Accordingly, the Parties stipulate and agree to extend the time for PNC to
2 respond to Plaintiff's amended complaint until the later of (i) August 3, 2018, or (ii)
3 10 calendar days after the Ninth Circuit issues its mandate in *Vanamann*.

4 10. The Parties request this extension in good faith and not for purposes of
5 delay.

6 Dated this 12th day of July, 2018.

7 | BALLARD SPAHR LLP

Christopher P. Burke, Esq.

8 | By: /s/ Lindsay Demaree

By: /s/ Christopher P. Burke

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IT IS SO ORDERED

United States Magistrate Judge

DATED: *Aug 18, 2018*